IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.825 OF 2007

Rajendra Kumar Motilal Daga ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.O.A.Siddique i/b. Mr.Vaibhav Punekar, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 2nd April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in M.E.C.R.No.3 of 2004 of Sir. JJ Marg Police Station. The said case is mainly under Sections 409, 420, 468 of IPC.

3. It is the prosecution case that coaccused Deodan Govind Bhambal and James Ratnakar Kamble entered into an agreement in respect of complainant’s property which is a trust. During

the course of interrogation these two accused persons have stated that out of amount of Rs.50 lacs which they have been received from builder and developer Mr.Nisar Kazi, Rs.45 lacs were returned to the present applicant who is partner of M/s.Nina Farms Pvt. Ltd.. The investigating agency is, therefore, seeking custody of the present applicant for recovery of the said Rs.45 lacs.

4. The learned Advocate for the applicant, on instructions, stated that the applicant will deposit Rs.45 lacs with the investigating officer within a month from today. In view of this statement, the learned APP on instructions states that the custody of the applicant would not be necessary.

5. In this view of the matter, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant to be released on bail in the sum of Rs.40,000/- with one or two sureties to make up the said amount. The applicant shall report to J.J.Marg Police

Station, as and when required. It is made clear that if the applicant fails to deposit an amount of Rs.45 lacs within a month with the investigating officer, this order shall automatically stand cancelled and the applicant can be taken into custody.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)